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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,862	06/11/2001	Shunpei Yamazaki	SEL 263	2645

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EXAMINER

WU, XIAO MIN

ART UNIT PAPER NUMBER

2674

DATE MAILED: 01/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,862

Applicant(s)

YAMAZAKI ET AL.

Examiner

XIAO M. WU

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-9,11-13,15-17,19-21,23-25,27-29,31-33,35-37,39-41 and 43-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44-50 is/are allowed.
- 6) ☒ Claim(s) 2,4-9,11-13,15-17,19-21,23-25 and 39-41 is/are rejected.
- 7) ☒ Claim(s) 27-29,31-33 and 35-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/4/2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2, 7, 19, 23 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Burroughes (WO 99/53472).

As to claims 2, 43, Burroughes discloses a light emitting module comprising: a light emitting device comprising a pixel section (14, Fig. 3) and a sensor section which are formed on a same insulating body (see page 11, lines 20-28); and a correction circuit connected to the light emitting device, wherein the correction circuit adjusts luminance of a light emitting element of the pixel section according to environmental illuminance sensed by the sensor section and for keeping a ratio of the luminance to the environmental illuminance at a constant value by the correction circuit (see page 11, lines 14-19), wherein the sensor section is disposed outside the pixel section see page 12, lines 1-3).

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As to claim 7, Burroughes discloses the correction circuit comprises an arithmetic circuit calculating the luminance of the light emitting element based on a signal transmitted from the sensor section (see page 11, lines 14-19).

As to claim 19, Burroughes discloses that the light emitting element is an EL element.

As to claim 23, Burroughes discloses that the light emitting modules is included in one of a portable telephone (see page 14, lines 1-2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4-6, 8-9, 11-13, 15-17, 20-21, 24-25, 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burroughes (WO 99/53472) in view of Kimura et al. (US Patent No. 6,518,962).

As to claim 4 -6, it is noted that Burroughes further discloses that the photo-detector beside the display could be a component independent from the display or could be integrated with the display. To integrate the detector with the display it could be deposited on the same substrate as the display and/ or share one or more of the other components of the display (e.g. one or more layers of material which make up the display pixels). Such a detector could be an organic, inorganic or hybrid detector, and could have the same structure as the display or a different structure and the detector should be optically isolated from the display (see page 11, line 20 to page 2, line 4. However, Burroughes does not specifically disclose that the sensor section includes a thin film photodiode. Kimura is cited to teach light emitting device similar to Burroughes. Kimura discloses that the display includes a sensor section includes a thin film photo diode (241). In view of the facts that an optical sensor such as a thin film photo diode can be integrated to the light emitting device as taught by Kimura, it would have been obvious to one of ordinary skill in the art to have used a thin film photo diode as an optical sensor in Burroughes because Burroughes suggests different optical sensor could be used and the thin film photo diode is one of kinds of the optical sensors.

As to claims 8, 9, Burroughes discloses the correction circuit comprises an arithmetic circuit calculating the luminance of the light emitting element based on a signal transmitted from the sensor section (see page 11, lines 14-19).

As to claims 11-13, Kimura discloses that the light emitting element and the thin film photodiode are electrically connected to a transistor (see Fig. 15).

As to claims 15-17, Kimura discloses that the transistor (223, Fig. 15) is a bottom gate type-thin film transistor.

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As to claims 20-21, Burroughes discloses that the light emitting element is an EL element.

As to claims 24 and 25, Burroughes discloses that the light emitting modules is included in one of a portable telephone (see page 14, lines 1-2).

As to claim 39-41, Burroughes discloses the sensor section comprises at least one optical sensor comprising a photodiode (241, Fig. 15) and a reset TFT (223, Fig. 15).

Allowable Subject Matter

7. Claims 27-29, 31-33, 35-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 44-50 are allowed.

Response to Arguments

9. Applicant's arguments with respect to claims 2, 4-9, 11-17, 19-21, 23-25, 39-41 and 43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US Pub. No. US 2001/0035848 is cited to teach a light emitting device including a sensor.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiao Wu whose telephone number is (703) 305-4721.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

xw

November 16, 2003


XIAO WU
PRIMARY EXAMINER
ART UNIT 2674